

## THE MICHIGAN PENAL CODE (EXCERPT)

### Act 328 of 1931

#### CHAPTER III

#### ABORTION

##### **750.14 Miscarriage; administering with intent to procure; felony, penalty.**

Sec. 14. Administering drugs, etc., with intent to procure miscarriage—Any person who shall wilfully administer to any pregnant woman any medicine, drug, substance or thing whatever, or shall employ any instrument or other means whatever, with intent thereby to procure the miscarriage of any such woman, unless the same shall have been necessary to preserve the life of such woman, shall be guilty of a felony, and in case the death of such pregnant woman be thereby produced, the offense shall be deemed manslaughter.

In any prosecution under this section, it shall not be necessary for the prosecution to prove that no such necessity existed.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.14.

**Constitutionality:** Section held unconstitutional as relating to abortions in the first trimester of a pregnancy as authorized by the pregnant woman's attending physician in the exercise of his medical judgment. *People v Bricker*, 389 Mich 524; 208 NW2d 172 (1973).

**Former law:** See section 34 of Ch. 153 of R.S. 1846, being CL 1857, § 5744; CL 1871, § 7543; How., § 9108; CL 1897, § 11503; CL 1915, § 15225; CL 1929, § 16741; sec. 35 of Ch. 153 of R.S. 1846; Act 61 of 1867; CL 1871, § 7544; How., § 9109; CL 1897, § 11504; CL 1915, § 15226; and CL 1929, § 16742.

##### **750.15 Abortion, drugs or medicine; advertising or sale to procure; misdemeanor.**

Sec. 15. Selling drugs, etc., to produce abortion—Any person who shall in any manner, except as hereinafter provided, advertise, publish, sell or publicly expose for sale any pills, powder, drugs or combination of drugs, designed expressly for the use of females for the purpose of procuring an abortion, shall be guilty of a misdemeanor.

Any drug or medicine known to be designed and expressly prepared for producing an abortion, shall only be sold upon the written prescription of an established practicing physician of the city, village, or township in which the sale is made; and the druggist or dealer selling the same shall, in a book provided for that purpose, register the name of the purchaser, the date of the sale, the kind and quantity of the medicine sold, and the name and residence of the physician prescribing the same.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.15.

**Former law:** See section 1 of Act 138 of 1873, being How., § 9312; CL 1897, § 11729; CL 1915, § 15523; CL 1929, § 16885; section 3 of Act 138 of 1873, being How., § 9314; CL 1897, § 11731; CL 1915, § 15525; CL 1929, § 16887; section 2 of Act 138 of 1873, being How., § 9313; CL 1897, § 11730; CL 1915, § 15524; and CL 1929, § 16886.